

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2016 OCT 12 AM 10:40

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

JOSE GUTIERREZ, III.  
a/k/a "Baby Joey"

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CASE NO. 5:16-CR-00027-C-BQ-11

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

JOSE GUTIERREZ, III, by consent, under authority of United States v. Dees, 125 F.3d 261 (5<sup>th</sup> Cir. 1997), has appeared before me pursuant to Fed. R. Crim. P. 11, and has entered a plea of guilty to the *Indictment*. After cautioning and examining JOSE GUTIERREZ, III, under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offenses charged are supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted and that JOSE GUTIERREZ, III, be adjudged guilty and have sentence imposed accordingly.

Date: October 12, 2016.

  
D. GORDON BRYANT, JR.  
UNITED STATES MAGISTRATE JUDGE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).